

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 30 2003

OFFICE OF  
MANAGING DIRECTOR

Alan L. Button, President  
Woolstone Corporation  
Post Office Box 1087  
100 Karin Court  
Angier, North Carolina 27501

Re: FY 2002 Regulatory Fees  
For WFPF-FM  
Fee Control No. 0306178835848001

Dear Mr. Button:

This is in response to your request for a reduction of Woolstone Corporation's regulatory fee obligation for fiscal year 2002 as it relates to its Aurora, North Carolina (Channel 382A) construction permit. You indicate in your request that Woolstone filed its form 159 and paid its full FY 2002 regulatory fee of \$1500.00 by credit card on June 13, 2003.

You state that on May 15, 2003 the Commission issued a letter denying your request for a waiver and deferment of Woolstone's FY 2002 regulatory fees on the grounds that as of September 25, 2002, the final filing date for FY 2002 regulatory fees, your construction permit was no longer encumbered. Your request further states that the encumbrance continued from October 1, 2001, the beginning of FY 2002, through December 4, 2001. You calculate that to be 65 days, or 17.8% of a 365-day year. You therefore request a pro-rata reduction of the fee and the issuance of a reimbursement check for \$267.00.

Although the encumbrance on your construction permit extended partially into FY 2002, this provides no basis for reduction and refund of the FY 2002 regulatory fee. The obligation to pay the FY 2002 regulatory fees attached on October 1, 2001, *Assessment and Collection of Regulatory Fees for Fiscal Year 2002*, Report and Order, 17 FCC Rcd 13,203, 13,212(2002), and our rules do not permit us to refund pro-rated portions of annual regulatory fees. See 47 C.F.R. §1.1160(b)("[n]o pro-rata refund of an annual fee will be issued"). Therefore, your request for reduction and refund of the FY 2002 regulatory fee is denied.<sup>1</sup>

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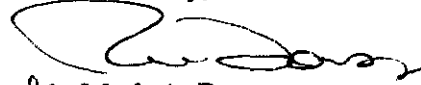
<sup>1</sup> Due to the subsequent acquisition of Woolstone's construction permit by Media East, LLC and consummation of the sale of your station on January 15, 2003, we are copying this response to Media East's counsel of record, Mr. Peter Gutmann, Esq.

Alan L. Button, President

2.

If you have any questions concerning this matter please contact the Revenue and Receivable Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a stylized flourish at the end.

for Mark A. Reger  
Chief Financial Officer

Copy to:

Peter Gutmann, Esq.  
Womble, Carlyle, Sandridge and Rice  
1401 Eye Street, NW  
Washington, D.C. 20005

0306178835848001

## Woolstone Corporation

P.O. Box 1087  
Angier, North Carolina 27501

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Alan L. Button  
President

June 13, 2003  
Fax: (919) 639-0671

Secretary  
Attn: Office of the Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-A625  
Washington, D.C. 20554

Re. Regulatory Fee Reduction Request (WFPPF – Aurora, NC)

Dear Sir or Madam:

Pursuant to 47 C.F.R. § 1.1166, I am writing to request a reduction of Woolstone Corporation's regulatory fee obligation for fiscal year 2002 as it relates to its Aurora, North Carolina (Channel 283A) construction permit. Woolstone has today filed Form 159 and paid by credit card the full fee of \$1,500.00. A copy of that Form 159 is enclosed.

By letter dated May 15, 2003, a copy of which is enclosed, our request for a waiver and deferment was denied on the grounds that as of September 25, 2002, our construction permit was no longer encumbered. The encumbrance previously acknowledged by the Commission and your office, however, as explained in our attorney's letter of January 11, 2002, a copy of which is also enclosed, did continue until December 4, 2001. Indeed, that date became the date from which our three-year permit period was adjusted and extended. Accordingly, for good cause and to promote the public interest in fair fee assessments, we would request a pro rata reduction of the FY 2002 fee.

From October 1, 2001, through December 4, 2001, is 65 days. That 65-day period represents 17.8% of a 365-day year. Applied to the \$1,500.00 fee paid, that percentage amounts to \$267.00. We therefore respectfully request a reduction of the fee and the issuance of a reimbursement check in that amount. Of course, if you have any questions, we would welcome your call at (910) 893-1767.

Thank you for your consideration.

Very truly yours,



Alan L. Button, President

cc (w/encl): Federal Communications Commission  
Attention: Petitions  
P.O. Box 358835  
Pittsburgh, PA 15251-5835

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READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING	FEDERAL COMMUNICATIONS COMMISSION <b>REMITTANCE ADVICE</b>	Approved by OMB 3060-0589 Page No <u>1</u> of <u>1</u>		
(1) LOCKBOX # 358835	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">SPECIAL USE</td> </tr> <tr> <td style="padding: 2px;">FCC USE ONLY</td> </tr> </table>		SPECIAL USE	FCC USE ONLY
SPECIAL USE				
FCC USE ONLY				
<b>SECTION A - PAYER INFORMATION</b>				
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) <b>Alan Button</b>		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) <b>\$1,500.00</b>		
(4) STREET ADDRESS LINE NO 1 <b>P.O. Box 1087</b>				
(5) STREET ADDRESS LINE NO 2				
(6) CITY <b>Anaier</b>	(7) STATE <b>NC</b>	(8) ZIP CODE <b>27501</b>		
(9) DAYTIME TELEPHONE NUMBER (include area code) <b>(910) 893-1767</b>	(10) COUNTRY CODE (if not in U.S.A.)			
<b>FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED</b>				
(11) PAYER (FRN) <b>0007700511</b>	(12) PAYER (TIN) <b>117-48-6566</b>			
IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)				
(13) APPLICANT NAME <b>Woolstone Corporation</b>				
(14) STREET ADDRESS LINE NO 1 <b>P.O. Box 1087</b>				
(15) STREET ADDRESS LINE NO 2				
(16) CITY <b>Anaier</b>	(17) STATE <b>NC</b>	(18) ZIP CODE <b>27501</b>		
(19) DAYTIME TELEPHONE NUMBER (include area code) <b>(910) 893-1767</b>	(20) COUNTRY CODE (if not in U.S.A.)			
<b>FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED</b>				
(21) APPLICANT (FRN) <b>0003781382</b>	(22) APPLICANT (TIN) <b>561903093</b>			
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET				
(23A) CALL SIGN/OTHER ID <b>WFPF</b>	(24A) PAYMENT TYPE CODE <b>0216</b>	(25A) QUANTITY <b>1</b>		
(26A) FEE DUE FOR (PTC) <b>\$1,500.00</b>	(27A) TOTAL FEE <b>\$1,500.00</b>	FCC USE ONLY		
(28A) FCC CODE 1 <b>85793</b>	(29A) FCC CODE 2 <b>NC Aurora</b>			
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY		
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY		
(28B) FCC CODE 1	(29B) FCC CODE 2			
<b>SECTION D - CERTIFICATION</b>				
(30) CERTIFICATION STATEMENT I, <u>Alan L. Button</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief SIGNATURE <u>Alan L. Button</u> DATE <u>6/13/03</u>				
<b>SECTION E - CREDIT CARD PAYMENT INFORMATION</b>				
(31) <input type="checkbox"/> MASTERCARD	MASTERCARD/VISA ACCOUNT NUMBER: <b>4719 2588 6112 3196</b>	EXPIRATION DATE: <u>03/04</u>		
<input checked="" type="checkbox"/> VISA	I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described. SIGNATURE <u>Alan L. Button</u> DATE <u>6/13/03</u>			

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 15 2003

OFFICE OF  
MANAGING DIRECTOR

Alan L. Button, President  
Woolstone Corporation  
Post Office Box 1087  
100 Karin Court  
Angier, North Carolina 27501

Re: FY 2002 Regulatory Fees  
For WFPF-FM  
Fee Control No. 00000RROG-02-106

Dear Mr. Button:

This is in response to your request for waiver and deferment of the Fiscal Year (FY) 2002 regulatory fees in the amount of \$1,500.00, filed on behalf of Woolstone Corporation, permittee of Channel 283A, Aurora, North Carolina.<sup>1</sup>

You enclose in your letter correspondence from the Commission granting waiver requests for FYs 1999, 2000, and 2001 because of the encumbrance on your construction permit for reasons beyond your control. Specifically, you state that as of October 1, 2001, Commission and/or judicial actions in MM Docket No. 95-88, which, in part, involves allotment of Channel 283A to Aurora, had not been resolved. You state further that since your construction permit was still encumbered as of that date, you were precluded from commencing construction and your expenses continued even though you were prevented from generating any income. Therefore, you state that payment of your regulatory fee would be a substantial financial hardship.

Our records indicate that the construction permit for the new FM station on Channel 283A, Aurora, North Carolina was still encumbered on September 26, 2001, the final date for payment of FY 2001 regulatory fees. That is, construction of the proposed station was prevented by circumstances not under your control, and the expiration date of your permit was therefore tolled pursuant to the provisions of 47 C.F.R. § 73.3598(b)(ii). See Letter of Linda Blair, Chief Audio Services Division, Mass Media Bureau Dated October 23, 2000. However, on August 17, 2001, the Commission released a Memorandum Opinion and Order in MM Docket No. 95-88 resolving the tolling event by denying further review of the Aurora allotment. The MO&O became effective upon publication in the Federal Register. 66 Fed Reg. 50,843 (Oct. 5, 2001), and as of that

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<sup>1</sup> Due to the subsequent acquisition of Woolstone's construction permit by Media East, LLC and consummation of the sale of your station on January 15, 2003, we are copying this response to Media East's counsel of record, Mr. Peter Gutmann, Esq.

Alan L. Button, President

2.

date, your construction permit was no longer encumbered. As you were notified January 15, 2002, the Commission adjusted your construction permit expiration date to December 4, 2004. Since your construction permit was no longer encumbered on September 25, 2002, the final date for payment of the FY 2002 regulatory fee, you are not entitled to a waiver or further deferment of your FY 2002 regulatory fee. Accordingly, your requests for waiver and deferment of the FY 2002 regulatory fees are denied.

Payment in the amount of \$1,500.00 for the FY 2002 regulatory fee is now due. The payment must be filed together with a copy of Form 159 within 30 days from the date of this letter. If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', written over a horizontal line.

Mark A. Reger  
Chief Financial Officer

Enclosure:  
Form 159

Copy to:  
Peter Gutmann, Esq.  
Womble, Carlyle, Sandridge and Rice  
1401 Eye Street, NW  
Washington, D.C. 20005

ORIGINAL

ANN BAVENDER\*  
HARRY F COLE\*  
ANNE GOODWIN CRUMP  
VINCENT J CURTIS, JR  
PAUL J FELDMAN  
FRANK R JAZZO  
EUGENE M LAWSON, JR  
MITCHELL LAZARUS  
SUSAN A MARSHALL\*  
HARRY C MARTIN  
RAYMOND J QUIANZON  
LEONARD R. RAISH  
JAMES P RILEY  
ALISON J SHAPIRO  
KATHLEEN VICTORY  
JENNIFER DINE WAGNER\*  
LILIANA E WARD  
HOWARD M. WEISS

\*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209-3801

OFFICE: (703) 812-0400

FAX: (703) 812-0486

www.fhhlaw.com

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AUDIO SERVICES

RETIRED MEMBERS  
RICHARD HILDRETH  
GEORGE PETRUTSAS

CONSULTANT FOR INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS  
SHELDON J. KRYG  
U.S. AMBASSADOR (ret.)

OF COUNSEL  
EDWARD A. CAINE\*  
DONALD J. EVANS  
EDWARD S. O'NEILL\*  
WRITER'S DIRECT

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JAN 11 2002

FEDERAL COMMUNICATIONS COMMISSION

OFFICE OF THE SECRETARY  
Construction Permit  
Expires

DEC 04 2004

Federal Communications Commission  
Washington, D.C. 20554

Magalie Roman Salas, Esquire  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-B204  
Washington, D.C. 20554

Re: Request for Tolling of Construction Permit  
WFPP(FM), Aurora, North Carolina  
File No. BPH-19970227MD

Dear Ms. Salas:

On October 5, 2000, Woolstone Corporation ("Woolstone"), permittee of WFPP(FM), Aurora, North Carolina, by its attorneys, requested that the construction period set forth in its above-referenced construction permit be tolled pending finality of all Commission and/or judicial actions in MM Docket No. 95-88. That construction permit as issued contained a condition which prevented the grant of the permit from becoming final pending certain actions in MM Docket 95-88, in which a change in the Aurora channel had been proposed by a party. The expiration date set forth on the construction permit as issued was January 12, 2001.

Woolstone's request for tolling was granted by letter dated October 23, 2000, from the Chief, Audio Services Division, Reference 1800B3-GDG. In that letter the Commission's staff stated that, upon notification that the tolling matter had been resolved, the Commission's records would be permanently modified to reflect the appropriate expiration date.

Accordingly, Woolstone hereby notifies the Commission that the tolling event was resolved as of the close of business on December 4, 2001. It was on that date that the Commission's denial of the application for review filed by Conner Media Corporation in MM Docket 95-88 became final. While the Commission released its *Memorandum Opinion and Order*, FCC 01-233, on August 17, 2001, notice of that denial did not appear in the *Federal Register* until October 5, 2001. See, *Federal Register*, Vol. 66, No. 194 at 50843. Commission Rules and statute provide that parties shall have a period of 30 days from the date of public notice of an action in which to file an appeal (see 47 C.F.R. §1.106(f)), and parties also have a

Magalie Roman Salas, Esquire  
January 11, 2002  
Page 2

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period of 60 days from that date in which to submit a petition for review to the United States Court of Appeals. *See* 28 U.S.C. §2344. Accordingly, the period for filing a petition for reconsideration expired on Monday, November 5, 2001, and the period for filing a petition for review expired at the close of business on December 4, 2001. Only at that point did the grant of the WFPF(FM) construction permit become final.

At no point between the date of the initial grant of the construction permit and December 5, 2001, the first day after the order became final, was the construction permit unencumbered. Therefore, the three year period should begin on that date and continue until December 5, 2004. Woolstone hereby respectfully requests that the Commission's records be corrected accordingly, and that a revised construction permit, showing the new expiration date, be issued.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,

WOOLSTONE CORPORATION

By:



Vincent J. Curtis, Jr.

Anne Goodwin Crump

Its Attorneys

cc: Mr. Glenn Greisman By Hand Delivery